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March 15, 2010

VIA ELECTRONIC FILING

Judge John R. Tunheim
Magistrate Judge Janie S. Mayeron
United States District Court for the District of Minnesota



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Re: *John Mezzalingua Associates, Inc., d/b/a PPC v. Perfect 10 Antenna Company*, Case No. 0:10-cv-00781-JRT-JSM; and

John Mezzalingua Associates, Inc., d/b/a PPC v. Pace Electronics, Inc. d/b/a Pace International, Case No. 0:10-cv-00064-MJD-JJG

To the Honorable John R. Tunheim:

Plaintiff John Mezzalingua Associates, Inc., d/b/a/ PPC ("PPC") filed a complaint, in this Court, against Perfect 10 Antenna Company for patent and trade dress infringement, case no.: 0:10-cv-00781-JRT-JSM ("*PPC v. P10*"). Concurrently pending in this Court is a previously filed case captioned *John Mezzalingua Associates, Inc. v. Pace Electronics, Inc. (d/b/a) Pace International*, case no.: 0:01-cv-00064, which is before the Chief Judge Michael J. Davis ("*PPC v. Pace*"). This letter is jointly submitted by the parties' counsels. Because these two cases are related, the parties in both cases respectfully request that they be consolidated pursuant to Federal Rule of Civil Procedure 42.

Good cause exists to consolidate these two actions for numerous reasons. Some of these reasons include: both cases share similar (in many cases identical) questions of law and fact; the plaintiff is the same in both cases; the defendants in both cases share the same counsel; and the accused devices in both cases are related in that defendant Perfect 10 supplies the accused devices to defendant Pace.

Additionally, prior to filing this case, PPC and defendant Perfect 10 brought separate actions against each other for the same causes of action that exist in *PPC v. Pace*. These actions were *John Mezzalingua Associates, Inc. v. Perfect 10 Antenna Company*, in the United States District Court Northern District of New York, civil action no. 5:09-cv-1375 and, *Perfect 10 Antenna Company and DS Engineering, LLC. v. John Mezzalingua Associates, Inc. d/b/a Production Products Company aka PPC*, in the United States District Court for the Eastern District of Arkansas Western Division, case no. 4:09-cv-939. The parties agreed to dismiss

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those actions in favor of bringing their dispute in this Court and to request that it be consolidated in *PPC v. Pace*. The parties' agreement and the Orders of Voluntary Dismissal are attached hereto as Exhibit A.

Because the *PPC v. Pace* and the *PPC v. P10* actions involve common questions of law and fact, and consolidation would avoid unnecessary costs and delay, the parties respectfully request that they be consolidated in case no.: 0:01-cv-00064 before the Chief Judge Michael J. Davis.

Sincerely,

FISH & RICHARDSON P.C.

DAVIDSON LAW FIRM, LTD.

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cc: Chief Judge Michael J. Davis
Counsel for Defendants Pace and Perfect 10

Enclosures